

BEST AVAILABLE COPY

03/27/2006 MON 17:05 FAX 7035185499 --> USPTO General Fax

003/015

Application Serial No.: 10/775,087

Amendment After Final

In the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1-9. (Cancelled)

10. (*Currently Amended*) An article of headwear, comprising:

a first fabric member configured to cover at least a portion of a neck of a person, the first fabric member extending between a first end and a second end and having a first intermediate portion between the first end and the second end; and

a second fabric member configured to cover at least a portion of a head of the person, the second fabric member extending between a third end and a fourth end, wherein the third end and the fourth end are both attached to the first intermediate portion so as to define a rearward first opening and an opposing second opening between the first fabric member and the second fabric member, wherein the rearward first-opening is sized to accept a rear portion of the head configured to expose a face of the person, and wherein the second opening is further defined by an upper edge of the first intermediate portion and is configured to expose a rear portion of the head of the person.

11. (*Currently Amended*) The article of headwear of claim 10, wherein the third end and the fourth end are both attached to the first intermediated intermediate portion in a predetermined, spaced apart relationship.

12. (Previously Presented) The article of headwear of claim 10, wherein the second fabric member further comprises a second intermediate portion between the third end and the fourth end, and a first side edge opposing a second side edge, wherein a first width of the second intermediate portion is less than a second width adjacent the third end and the fourth end, wherein the first width and the second width extend between the first side edge and the second side edge.

Application Serial No.: 10/775,087

Amendment After Final

13. (Previously Presented) The article of headwear of claim 10, wherein the second fabric member further comprises a first side edge opposing a second side edge, the first side edge having a first length and the second side edge having a second length, wherein the first length is greater than the second length.

14. (Previously Presented) The article of headwear of claim 13, wherein the second side edge faces the first intermediate portion of the first fabric member.

15. (Previously Presented) The article of headwear of claim 10, further comprising an attachment mechanism for attaching a first portion of the first fabric member to a second portion of the first fabric member.

16. (Previously Presented) The article of headwear of claim 15, wherein the attachment mechanism comprises an inner portion defining a hole formed on the first fabric member, the hole sized to receive one of the first end and the second end.

17. (Previously Presented) The article of headwear of claim 11, wherein the spaced apart relationship between the third end and the fourth end attached to the first fabric member is configured such that, when in use, the second fabric member extends from a top of the head of the person to cover at least a portion of each ear of the person.

18. (*Currently Amended*) The article of headwear of claim 11, wherein the spaced apart relationship between the third end and the fourth end attached to the first fabric member is configured such that, when in use, the opening is adjacent to a back of the head of the person the first fabric member extends along a first longitudinal axis, wherein the second fabric member extends along a second longitudinal axis, and wherein the second longitudinal axis is disposed at a predetermined oblique angle relative to the first longitudinal axis at the attachment between the first fabric member and the second fabric member.

Application Serial No.: 10/775,087

Amendment After Final

19. (Previously Presented) The article of headwear of claim 10, wherein at least one of the first fabric member and the second fabric member comprises a first fabric layer connected to a second fabric layer.

20. (Previously Presented) The article of headwear of claim 10, wherein a first distance from the third end to the nearest one of the first end and the second end is substantially unequal to a second distance from the fourth end to the other one of the first end and the second end.

21. (*Currently Amended*) An article of headwear, comprising:
a scarf member comprising a first intermediate portion extending between a first end portion and a second end portion; and

a band member comprising a second intermediate portion extending between a third end portion and a fourth end portion, the third end portion and the fourth end portion respectively attached to the scarf member, the band member further comprising a first edge opposing a second edge, the first edge and the second edge each extending from the third end portion across the second intermediate portion to the fourth end portion, the first edge having a first length and the second edge having a second length, wherein the first length is greater than the second length, wherein the first edge of the band member and the first end portion and second end portion of the scarf member define a first opening, and wherein the second edge of the band member and the first intermediate portion of the scarf member define a second opening substantially opposing the first opening.

22. (*Currently Amended*) The article of headwear of claim 21, wherein the first intermediate portion comprises a first position at a predetermined spacing from a second position, wherein the third end portion is attached to the first intermediate portion at the first position and the fourth end portion is attached to the first intermediate portion at the second position so as to define an opening between the first intermediate portion of the scarf member and the band member such that the second intermediate portion is unattached to the first intermediate portion.

BEST AVAILABLE COPY

03/27/2006 MON 17:07 FAX 7035185499 ---- USPTO General Fax

006/015

Application Serial No.: 10/775,087

Amendment After Final

23. *(Currently Amended)* The article of headwear of claim [[22]] 21, wherein the first edge faces the opening scarf member extends along a first longitudinal axis, wherein the band member extends along a second longitudinal axis, and wherein the second longitudinal axis is disposed at a predetermined oblique angle relative to the first longitudinal axis at the attachment between the scarf member and the band member.

24. *(Previously Presented)* The article of headwear of claim 21, wherein the first intermediate portion is configured to cover a back of a neck of a person.

25. *(Previously Presented)* The article of headwear of claim 21, wherein the predetermined spacing is arranged such that, when in use, the band extends over a top portion of a head of a person and covers at least a portion of each ear of the person.

26. *(Previously Presented)* The article of headwear of claim 21, wherein each of the third end and the fourth end have a first width extending between the first edge and the second edge, wherein the first width is sized to cover at least a portion of an ear of a person wearing the article of headwear.

27. *(Previously Presented)* The article of headwear of claim 21, wherein the second intermediate portion has a first width extending between the first edge and the second edge, wherein each of the third end portion and the fourth end portion have a second width extending between the first edge and the second edge, and wherein the first width is less than the second width.

28. *(Previously Presented)* The article of headwear of claim 21, further comprising an attachment mechanism for attaching a first portion of the scarf member to a second portion of the scarf member.

29. *(Previously Presented)* The article of headwear of claim 21, wherein the attachment mechanism comprises an inner portion defining a hole formed on the scarf member, the hole sized to receive one of the first end portion and the second end portion.

Application Serial No.: 10/775,087

Amendment After Final

30. (Previously Presented) The article of headwear of claim 21, wherein at least one of the scarf member and the band member comprises a first fabric layer connected to a second fabric layer.

31. (*Currently Amended*) An article of headwear, comprising:
a first means having a first portion sized to cover at least a rear portion and a side portion of a neck of a person;

a second means having a second portion and a third portion ~~respectively sized to cover at least a portion of each ear of the person without covering at least a predetermined rear portion of a head of the person, wherein the second means is~~ ~~respectively connected to the first means in two places at attachment positions~~ separated by a predetermined spacing along at least a part of the first portion of the first means so as to define a first opening and an opposing second opening between the first means and the second means; and

wherein the second portion and the third portion are adjoined so as to define further comprises an a shared rear edge, wherein the rear edge is positioned adjacent to the first portion of the first means at each of the attachment positions, wherein the rear edge and the part of the first portion corresponding to the predetermined spacing define a rearward the second opening between the first means and the second means.

32. (*Currently Amended*) An article of headwear, comprising:
a first fabric member extending along a longitudinal axis between a first end and a second end, the first fabric member having a first intermediate portion between the first end and the second end; and

a second fabric member defined by a first side edge opposing a second side edge extending between a third end and a fourth end, wherein the third end and the fourth end are both attached to the first intermediate portion such that the first side edge and the first end and the second end of the first fabric member define a first opening, and such that the second side edge and the intermediate portion of the first fabric member define a rearward second opening opposing the first opening, wherein the rearward second

BEST AVAILABLE COPY

03/27/2006 MON 17:08 FAX 7035185499 ---- USPTO General Fax

008/015

Application Serial No.: 10/775,087***Amendment After Final***

opening is sized to accept expose a rear portion of a head of a person, and wherein the first side edge is disposed at a predetermined oblique angle at the point of attachment to the first fabric member, the predetermined oblique angle being relative to the longitudinal axis of the first fabric member.

33. (Previously Presented) The article of headwear of claim 32, wherein the predetermined oblique angle comprises an angle greater than about 90 degrees.

34. (Previously Presented) The article of headwear of claim 32, wherein the third end and the fourth end are both attached to the first intermediate portion in a predetermined, spaced apart relationship.